

Victoria Police Manual – Procedures and Guidelines

Crowd control

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- VPMP Police attendance at incidents and events
- VPMP Emergency management
- VPMP Operational safety and equipment
- VPMG Specialist Support

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Overview

- A crowd control situation includes any event such as a demonstration, protest, picket line, industrial dispute, march, procession, sporting, entertainment or community event where police action is required.
- The police role at a crowd control situation needs to consider the rights of members of the public to exercise free speech, peaceful assembly, protest and industrial action. However, police also aim to provide a safe, orderly and secure society, so when the actions of those taking part in such activities either become unlawful or infringe upon the rights of others, police have an obligation to take action.

- All actions that limit another person's human rights must be:
 - lawful
 - necessary, reasonable and proportionate, and
 - in compliance with the *Charter of Human Rights and Responsibilities Act 2006*.
- See the *Charter of Human Rights and Responsibilities Act 2006* for more detailed description of the human rights protected under the charter.
- In most cases, crowd control situations will be planned operations and should be subject to an operation order as required by **VPMP Police attendance at incidents and events**. Where an unplanned crowd control situation occurs, the principles for planned operations should be adopted as far as possible.

2. Planning

Where any crowd control situation is planned or occurs a Police Forward Commander must be appointed. In the first instance the Local Area Commander (or Duty Officer if after hours) is to take the role, but this may escalate depending on the scope and nature of the incident. The Police Forward Commander is to:

- assess whether an operation order is required in line with **VPMP Police attendance at incidents and events**, and if so, ensure that it is prepared in line with **VPMG Operation orders**
- liaise with the organisers or leaders of all parties involved before and/or during the crowd control situation about their intentions and advise on the role and policy of police; they may appoint a liaison officer to perform this function
- ensure records are kept of liaison meetings with the organisers and police actions taken
- where the incident is an industrial dispute refer to **VPMP Police attendance at incident and events** for specific notifications and endorsements prior to any police intervention.

3. Notification and assistance

3.1 Non-routine situations

The Police Forward Commander is to notify their Regional Assistant Commissioner of crowd control situations assessed as non-routine, that is, a crowd control situation that:

- has the potential for violence; or

- is likely to attract a high degree of community interest in the police operation.

3.2 *State Event Planning Unit*

- State Event Planning Unit (SEPU), State Emergencies and Support Command (SESC) can assist with the risk assessment, planning and coordination of all crowd control situations.
- Police Commander should notify SEPU if it appears that:
 - the crowd control situation may cross over PSA boundaries; or
 - the PSA cannot provide adequate resources.
- When advised of any significant non-routine crowd control situation, a Regional Assistant Commissioner may request SEPU to prepare any operation order and coordinate planning for the event.

3.3 *Industrial disputes*

The Police Commander is to notify the Industrial Disputation Liaison Officer, State Emergencies and Support Command (SESC) if the crowd control situation involves an industrial dispute. See further details at section 9. Refer also **VPMP Police attendance at incidents and events**.

4. Personnel

4.1 *Command levels*

Command levels should reflect **VPMG Operation orders**.

4.2 *Requirement for personnel*

- When planning a crowd control operation or responding to an unplanned incident, the Police Forward Commander should consider the personnel required for the situation. Local resources should be used in the first instance. Plain clothes members generally should not be used but if they are required, they should be identified to other employees.
- For non-routine matters, the Police Forward Commander should ensure that the personnel have skills and experience necessary to deal with the situation and consider the need for specialist resources.
- See **VPMP Police attendance at incidents and events** for obtaining resources outside the scope of local level availability.

4.3 *Specialist resources*

- Operations Response Unit (ORU) Transit and Public Safety Command (TPSC) are a specialist unit who are trained in crowd dispersal techniques and

public order tactics – consider their attendance when public safety issues exceed the capacity of an individual PSA or Region. See **VPMG Specialist Support** for ORU deployment criteria.

- The ORU also has access to an Evidence Gathering Team (EGT) – consider their attendance where video evidence may be required for intelligence & evidence gathering purposes.
- Mounted Branch – may be used to support police members on foot at a crowd control situation.
- Search and Rescue Squad – consider their attendance where protesters may need to be removed from lock-on devices, structures or trees.
- Where specialist resources from Transit & Public Safety Command are deployed for a public order incident in accordance with **VPMG Specialist Support**, a Tactical Commander will be appointed and work alongside the Police Forward Commander.
- The ORU Tactical Commander will assume line control of TPSC resources and direct units in line with the Incident Action Plan (IAP) objectives.
- See **VPMG Specialist support** for call-out criteria and procedures for deployment of ORU, Mounted Branch, CIRT, SOG etc.

5. Equipment

5.1 *Assessment of equipment needs*

As required by **VPMP Operational safety and equipment**, the Police Forward Commander must give careful consideration to the type of operational safety or other protective equipment that will be carried or worn by members at planned operations.

The level of equipment carried or worn should be commensurate to the risk likely to be encountered. When determining the equipment required at a crowd control situation, the Police Forward Commander should conduct a risk assessment in relation to:

- Type of crowd control situation – for example, a demonstration or a public event, who are the participants, why are they gathering?
- Role of police – will they be required to control a crowd (such as during demonstrations) or to patrol amongst a crowd (such as at a public event)?
- Safety – consider the safety of the members and the public. The level of the equipment should be relative to the protection that members may require.

6. Crowd Control Equipment

6.1 Access and equipment

- The ORU are a specialist unit who have access to and are trained in the use of Crowd Control Equipment (CCE) and Crowd Control Munitions (CCM).
- CCE include the following:
 - VKS Pepperball weapon system
 - Penn Arm 40mm launcher
 - Range of hand held munitions.
- CCM include a range of munitions that can be delivered by hand or weapon and but not limited to:
 - CS Gas
 - Smoke canister
 - Stinger Grenades
 - Sound and Flash distraction devices
 - Foam Baton rounds.
- PAVA is a synthetic OC product that is delivered by VKS Pepperball weapon system.

6.2 Use and Carriage

- ORU members must carry and use the CCE and CCM in accordance with **VPMG Specialist Support** and local workplace standard operating procedures.

6.3 Aftercare

- Members have a responsibility to ensure the safety, security and wellbeing of any person in their care or custody.
- If any person is injured as a result of any CCE or CCM, where practicable the Police Forward Commander must arrange after care or medical attention at the earliest opportunity. See **VPMG Safe management of persons in police care or custody**.
- If the use of CCE or CCM is considered then the Police Forward Commander, Tactical Commander and operator should consider and, where practicable, facilitate immediate access to medical attention. Requests for Ambulance Victoria (AV) to attend or be on standby for unplanned incidents must be made via Police Communications (ESTA).
- For planned operations, AV services can be requested via their State Events Coordinator. Members are to conduct a risk assessment and provide appropriate aftercare if it is safe to do so prior to handover to AV.

- Exposure to chemical munitions such as Pava or CS gas requires the same aftercare provisions as OC aerosols. See **VPM Operational Safety Equipment**.
- Specific instructions apply regarding considerations and restraint of people at risk of positional asphyxia. See **VPM Operational Safety Equipment**.

6.4 Reporting and Review

- The ORU are responsible for ensuring that the following documentation is completed and submitted regarding the operational deployment of CCE or CCM:
 - Use of Force reports submitted in accordance with **VPMG Recording Use of Force**
 - CCE / CCM debrief report.
- The Superintendent, Operations Support Division, TPSC is responsible for ensuring the appropriate debrief and review occurs after each incident where CCE or CCM have been used.

6.5 Unintentional Discharge

- Any unintentional discharge of CCE or CCM must be reported to the ORU Duty Inspector. The ORU Duty Inspector is responsible for ensuring that:
 - Use of Force reports are submitted in accordance with **VPMG Recording Use of Force**
 - Incident Fact Sheet (IFS) is completed and submitted
 - CCE / CCM debrief report is completed
 - CCE / CCM debrief and review is conducted.

7. Incident management and tactics

7.1 General incident management requirements

The crowd control situation is to be managed in line with **VPMP Emergency management**.

7.2 Breach of the peace

Police members have a common law duty to prevent breaches of the peace. In crowd control situations, police members should be briefed on their powers regarding breach of the peace. For guidance, see **VPMG Breach of the peace and VPMG Move on powers**.

7.3 Occupation of site

Police Forward Commanders should ensure the early occupation of proposed sites that may develop into a crowd control situation. If used, erect and staff barriers before the participants assemble.

7.4 Use of force

Legislative powers— police members must be aware of their legislative (s.462A, *Crimes Act 1958*) and common law powers regarding use of force; see **VPMP Operational safety and equipment** for details.

Where possible, violent confrontation and the use of force should be avoided. Any use of force must be justified and only to the level required to reasonably effect arrest or removal of persons.

7.5 Arrests

If it is necessary to make arrests, follow these guidelines:

- Whenever practicable, arrests should be made on the direction of a Sub-officer
- Minor offences should be ignored in the interests of containing the overall situation. However, take appropriate action to prevent conduct involving violence to people or damage to property
- Any persons arrested under the provisions of s.458, *Crimes Act* for a summary offence are to be released when the reasons for their arrest no longer continue; proceed by way of summons
- For planned events arrest teams should be arranged. Where specialist units are utilised as arrest teams, processing teams must be available for handover and any follow up investigation.

7.6 Detainee transport vehicles

Detainee transport vehicles should not be used to hold detainees for any length of time at crowd control situations. Transport persons arrested and not released immediately on summons to police stations or other secure premises.

8. Industrial disputes and picket lines

8.1 Liaison officer

The Police Commander should contact the Victoria Police Industrial Disputation Liaison Officer (IDLO) or relevant Regional IDLO. The IDLO is to liaise with:

- the business or organisation concerned to find out the nature of the dispute, parties involved and details of company officials to liaise with
- the union/s involved to find out their views on the dispute, names of union representatives to liaise with and how strikers propose to demonstrate.

8.2 *Picket lines*

Police have no responsibility for the removal of a picket line but they do have a responsibility for removing a physical obstruction. A picket line becomes a physical obstruction when it denies access to or egress from the particular location to any person who has a legal right to enter or leave.

In determining appropriate action, consider the following:

- every member of the community has a common law right to use a public street or highway in the pursuit of lawful business
- a landowner has the right of entry and exit to or from a public street or highway
- persons picketing may do so in a peaceful and orderly manner
- See **VPMP Police attendance at incidents and events** for further requirements when dealing with industrial disputes

8.3 *Right of entry of union officials*

Union officials - Resolution of disputes – when required to resolve a dispute between accredited union officials and employers over the right to enter or remain upon any place of work, the liaison officer or Police Forward Commander is to explain to both parties that:

- the primary role of the police is to ensure there are no breaches of the peace
- accredited union officials may have a power of entry under certain circumstances and the employer may be in error in refusing entry. The union official has no power to gain entry or remain by force
- the union and the appropriate industrial tribunal must resolve the disputed right of entry.

9. Debriefings and reports

9.1 *Debriefings*

Conduct debriefings in accordance with **VPMP Operational debriefings**.

9.2 *Use of force forms*

If force has been used, the Police Forward Commander is to submit Use of Force forms [Form 237 & 237A].

9.3 *Final reports*

- At the conclusion of any crowd control situation, the Police Forward Commander is to prepare a report and submit the report through line management to the Department Head.
- If the incident required the use of force or was classified as non-routine, the report should contain:
 - copy of the operation order/Incident Action plan
 - records of information, discussions and negotiations with organisers, and any advice offered
 - activity logs/PEEC reports
 - copies of briefing papers, risk assessments, situation reports and debriefing reports
 - media extracts
 - copies of Use of Force forms
 - final report to the Department Head.
- If the incident occurred in a designated area, the member in charge of the designated area must record relevant information utilising Form 1373. Have regard to reporting obligations, **VPM Designated areas: Conducting searches and issuing directions**.

9.4 *Briefs of evidence*

Unless otherwise directed, the informant's PSA is responsible for ensuring the court attendance, collection of evidence, preparation of briefs of evidence, etc.

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact State Event Planning Unit.

Update history

Date of first issue	22/2/10	
Date updated	Summary of change	Force File number
07/11/11	Major Events Planning Unit name change to State Event Planning Unit	059573/09
29/04/13	Update to Use of Force form title and cross reference to VPMG Recording use of force.	FF-074738
24/06/13	Inclusion of Public Order Response Team (PORT)	071946/12
28/05/14	Further guidance provided re Industrial disputes	FF 085837
14/08/18	Update to current terminology and inclusion of crowd control equipment provisions	FF-117620